

County of Loudoun
Department of Planning
MEMORANDUM

DATE: February 26, 2008

TO: Ginny Rowen, Project Manager
Land Use Review

FROM: Sarah Milin, Planner *Amal*
Community Planning

SUBJECT: ZMAP 2007-0010 Pro-Type Industries

BACKGROUND

Pro-Type Industries, Inc. has submitted an application to convert approximately 3.71 acres of land zoned Planned Development – Industrial Park (PD-IP) from the 1972 Zoning Ordinance to the Revised 1993 Loudoun County Zoning Ordinance. The Applicant anticipates constructing an additional 25,000 sq ft of manufacturing and flex-industrial uses to accompany the two existing structures on the property. According to the Statement of Justification, the permitted uses in the 1972 PD-IP zoning district do not appropriately reflect the wide range of economically viable options necessary to compete as a commercial/industrial use today and in the future. The property is within the Route 28 Highway Improvement Transportation District ('Route 28 Tax District') and is located on the south side of Woodland Road, approximately 0.1 miles west of Cascades Parkway. The property is predominantly surrounded by other industrial and business uses.

COMPREHENSIVE PLAN ANALYSIS

The site is governed by the policies of the Revised General Plan. It is located within the Sterling Community in the Suburban Policy Area and is designated for Keynote Employment development (Revised General Plan, Planned Land Use Map, p. 7-23). Appropriate uses in Keynote areas would include large-scale office parks, research and development parks, and similar uses of high visual quality that are supported by ancillary retail and personal services (Revised General Plan, text, p. 6-27).

The Revised General Plan provides policy direction encouraging property owners within the Tax District to convert from the 1972 Zoning Ordinance to the Revised 1993

Loudoun County Zoning Ordinance in order to provide consistent development patterns within the District. The Plan states: "The County will look at incentives to encourage Route 28 Tax District Landowners to opt into the revised Zoning Ordinance" (Revised General Plan, Policy 14, p. 4-10). As such, the proposed conversion to the most current Zoning Ordinance is appropriate.

Staff notes that the existing PD-IP zoning on the property is not proposed to change. Although this zoning district, established for light and medium intensity industrial uses, would generally not be anticipated in Keynote Employment areas, Woodland Road remains a predominantly industrial area containing numerous auto repair, contractor service establishments, and other industrial uses located in smaller flex-warehouse buildings. As such, a PD-IP zoning could be compatible on an interim basis with the other industrial uses that are located in the surrounding area today. Furthermore, office is a permitted use in the PD-IP zoning district.

Staff recommends approval of the zoning conversion.

cc: Julie Pastor, AICP, Planning Director
Cindy Keegan, AICP, Program Manager, Community Planning – via e-mail



ZONING ADMINISTRATION REFERRAL

DATE: May 27, 2008

TO: Ginny Rowen, Project Manager

THROUGH: Marilee Seigfried, Deputy Zoning Administrator *ms*

FROM: Cindy Lintz, Zoning Administrator *CL*

SUBJECT: ZMAP 2007-0010 Pro-Type Industries

LCTM: /81/B/2/////5A/ **MCPI:** 031-49-1945-000

The Zoning Administration has reviewed the proffer statement and Plat and has no further comments.

Attachment 1 B

A-3



ZONING ADMINISTRATION REFERRAL

DATE: May 13, 2008
TO: Ginny Rowen, Project Manager
THROUGH: Marilee Seigfried, Deputy Zoning Administrator
FROM: Cindy Lintz, Zoning Administrator
SUBJECT: ZMAP 2007-0010 Pro-Type Industries
LCTM: /81/B/2/////5A/ **MCPI:** 031-49-1945-000

The Zoning Administration has reviewed the proffer statement and has the following comments:

Site Plan

1. Fill in the revision section on the plan both on sheet 1 (next to the approval block) and on sheet 2 (on the right hand column). This will also change the date on the proffer statement.
2. The plat shows that the site area is 3.83 acres and the proffer statement states the parcel is 3.71 acres. These two numbers need to match.

Proffer Statement

1. I suggest that the six line should read, "...in substantial conformity with the proffers set forth below and the Zoning Map Amendment Plat entitled 'Pro-type Industries Inc.' and comprising of 2 sheets, prepared by Barnes & Johnson, Inc..."



ZONING ADMINISTRATION REFERRAL

DATE: April 16, 2008

TO: Ginny Rowen, Project Manager

THROUGH: Marilee Seigfried, Deputy Zoning Administrator *ms*

FROM: Cindy Lintz, Zoning Administrator *cl*

SUBJECT: ZMAP 2007-0010 Pro-Type Industries

LCTM: /81/B/2/////5A/ **MCPI:** 031-49-1945-000

The Zoning Administration has reviewed the second submission of the above referenced application and has the following comments:

1. Under "Related Applications" on Sheet 1, include STPL 2008-0007 (Active).



ZONING ADMINISTRATION REFERRAL

DATE: February 28, 2008

TO: Ginny Rowen, Project Manager

THROUGH: Marilee Seigfried, Deputy Zoning Administrator

FROM: Cindy Lintz, Zoning Administrator

SUBJECT: ZMAP 2007-0010 Pro-Type Industries

LCTM: /81/B/2/////5A/ **MCPI:** 031-49-1945-000

The Zoning Administration has reviewed the first submission of the above referenced application and has the following comments:

1. Please include ZMAP 2007-0010 in the approval block and the title.
2. In the title please include "Zoning Map Amendment" as part of the title of the plat.
3. Under General Notes #8, the yards adjacent to Woodland Road is 35' for the building and 25' for parking per Section 4-505(B)(1). Remove the side and rear yards (from the notes and on Sheet 2). The 15' yard is not required adjacent to other PD-IP parcels.
4. Under General Notes #9, the maximum building height is 45' not 35' and it is permissible to erect to maximum height of 100' as long as there is a 1' setback (not 2') for each 1' height. Please correct this note.
5. Under Site Tabulation, County Records show 3.71 acres, which will be 161,607.6 s.f. not 3.83 acres. Also, County Records shows an existing building with 25,429 s.f. on the site, not 24,725 s.f. Please update the F.A.R. and the Lot Coverage tabulations.
6. Under Site Tabulations, please clearly delineate existing square footage and F.A.R. and the development potential. Currently ~0.16 F.A.R. has been developed.
7. On Sheet 2, show how access to the undeveloped portion of the parcel will be achieved.
8. On Sheet 2, label the undeveloped portion of the site as "Future Development Area."
9. In the Statement of Justification page 2, please remove from the first line, "also referred to as a Zoning Conversion ("ZCON")." The County no longer processes ZCONs.
10. In the Statement of Justification page 2, the last sentence the square footage is 39,214 not 28,093. There is a miscalculation on the plat.

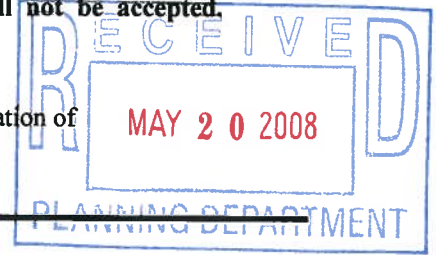
Important! The adopted Affidavit and Reaffirmation of Affidavit forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

REAFFIRMATION OF AFFIDAVIT

In reference to the Affidavit dated November 23, 2007 for the application of
(enter date of affidavit)

Pro-Type Industries, Inc.

(enter name(s) of applicant(s))



in Application Number(s): ZMAP 2007-0010
(enter application number(s))

I, Roger Ratliff, do hereby state that I am an

(check one) applicant (must be listed in Paragraph B of the above-described affidavit)

 X applicant's authorized agent (must be listed in Paragraph B of the above-described affidavit)

and that to the best of my knowledge and belief, the following information is true:

(check one) X I have reviewed the above-described affidavit, and the information contained therein is true and complete as of May 16, 2008
(enter today's date)

 I have reviewed the above-described affidavit, and I am submitting a new affidavit which includes changes, deletions or supplemental information to those paragraphs of the above-described affidavit indicated below:

(Check if applicable)

 Paragraph B-1

 Paragraph C-1

 Paragraph B-2

 Paragraph C-2

 Paragraph B-3

 Paragraph C-3

WITNESS the following signature:

(check one)

Roger Ratliff
 X applicant applicant's authorized agent

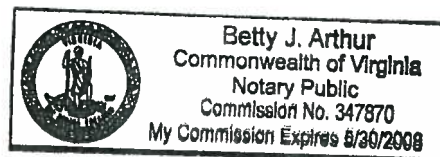
(Type or print first name, middle initial, last name and title of signer)

Subscribed and sworn to before me this 17 day of May, 2008,
in the State/Commonwealth of Virginia, County/City of Loudoun.

Betty J. Arthur
Notary Public

My Commission expires:

5/30/08



Attachment 2

A-7

LOUDOUN COUNTY
DISCLOSURE OF REAL PARTIES IN INTEREST

RECEIVED
DEC 13 2007
BUILDING AND DEVELOPMENT

A. DIRECTIONS

1. Mandatory disclosures shall include PARTNERSHIPS, CORPORATIONS, or TRUSTS, to include the names of beneficiaries, broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 100 shareholders, that has no shareholder owning 1% or more of any class of stock. In the case of an applicant, title owner, contract purchaser, or lessee of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all its partners (general and limited), of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 1% or more of the applicant, title owner, contract purchaser, or lessee of the land.
2. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.
3. All applicants for zoning map amendment petitions, special exceptions, commission permits, certificates of appropriateness and variances are requested, but not required, to complete Section C of this form entitled *Voluntary Disclosures*. No application will be rejected for applicant's failure to complete Section C.
4. Prior to each and every public hearing on a Zoning Map Amendment, Zoning Concept Plan Amendment, Zoning Ordinance Modification, Special Exception, Commission Permit, Certificate of Appropriateness or Variance, and prior to Board action, the applicant shall review the affidavit and provide any changed or supplemental information including business or financial relationships of the type described above, that arise on or after the date of this application. A "Reaffirmation of Affidavit" form is available for your use online at: http://inetdocs.loudoun.gov/planning/docs/documentsandfor_/index.htm
5. These adopted Disclosure of Real Parties in Interest Affidavit and Reaffirmation of Affidavit forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted
6. As used in this section "real parties in interest" shall include all sole or joint property owners, parties who have legal interest in the protection of the property such as a trustee or executor, parties who have an equitable or beneficial interest in the property, such as beneficiaries of a trust, and, in the case of corporations, all stockholders, officers, and directors. Pursuant to Section 15.2-2289, the requirement of listing names of stockholders, officers, and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. In the case of a condominium, the requirement shall apply only to the title owner, contract purchaser, or lessee if they own 10% or more of the units in the condominium.

DATE AFFIDAVIT IS NOTAR D: 11/23/07

Page B 2

APPLICATION NUMBER: _____

I, Roger G. Ratliff, Agent, do hereby state that I am an
__ applicant

☒ applicant's authorized agent listed in Section B.1. below

in application Number(s): _____
and that to the best of my knowledge and belief, the following information is true:

B. MANDATORY DISCLOSURES

1. NAMES AND ADDRESSES OF REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the forgoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application. Multiple relationships may be listed together. For multiple parcels, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

PIN	NAME (First, M.I., Last)	ADDRESS (Street, City, State, Zip Code)	RELATIONSHIP (listed in bold , above)
031-49-1945	Pro-Type Industries, Inc.	45871 Woodland Road Sterling, VA 20166	Applicant/Agent for Owner
	Roger G. Ratliff Delores J. Ratliff	P.O. Box 211 Upperville, VA 20185-0211	Title Owners
	Barnes & Johnson, Inc.	8503 Euclid Avenue, Suite One Manassas Park, VA 20111	Engineer/Agent
	M.J. Wells & Associates, LLC	1420 Spring Hill Road, #600 McLean, VA 22102	Transportation Consultant/Agent
	Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.	1 E. Market Street, 3 rd Floor Leesburg, VA 22042	Attorneys/Planners/ Agent

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

___ Real Parties of Interest information is continued on an additional copy of *page B-1*.

DATE AFFIDAVIT IS NOTAR D: 11/23/07

Page B 3

APPLICATION NUMBER: _____

LISTING OF INDIVIDUAL AGENTS

1. **Pro-Type Industries, Inc.**
John M. Ratliff
Roger G. Ratliff
2. **Barnes & Johnson, Inc.**
Joseph W. Webb
3. **M.J. Wells & Associates, LLC**
Jennifer N. Carpenter
4. **Walsh, Colucci, Lubeley, Emrich & Walsh, PC**
J. Randall Minchew, Esq.
William J. Keefe
Michael G. Romeo
Christine E. Gleckner
Kimberlee Welsh Cummings
Andrew A. Painter

If multiple copies of this page are provided please indicate Page 2 of 2 pages.

DATE AFFIDAVIT IS NOTARIZED: 11/23/07

Page B 4

APPLICATION NUMBER: _____

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the shareholders of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all officers and directors of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

Pro-Type Industries, Inc.
45871 Woodland Road, Sterling, VA 20166

Description of Corporation:

☒ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☐ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Roger G. Ratliff	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Roger G. Ratliff, CEO	
John M. Ratliff, President	
Delores J. Ratliff, Secretary/Treasurer	

Check if applicable:

☒ Additional shareholder information is continued on an additional copy of Page B-2

If multiple copies of this page are provided please indicate Page 1 of 5 pages.

Revised May 10, 2007

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DATE AFFIDAVIT IS NOTAR D: 11/23/07

Page B 5

APPLICATION NUMBER: _____

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the shareholders of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all officers and directors of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

Barnes & Johnson, Inc.

8503 Euclid Avenue, Suite One, Manassas Park, VA 20111

Description of Corporation:

☒ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☐ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Joseph W. Webb	
James A. Johnson, Jr.	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

☒ Additional shareholder information is continued on an additional copy of Page B-2

If multiple copies of this page are provided please indicate Page 2 of 5 pages.

Revised May 10, 2007

A-12

DATE AFFIDAVIT IS NOTAR D: 11/23/07

Page B 6

APPLICATION NUMBER: _____

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

M. J. Wells & Associates, LLC

1420 Spring Hill Road, Suite 600, McLean, VA 22102

Description of Corporation:

☒ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☐ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
M.J. Wells & Associates, Inc., Sole Member	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

☒ Additional shareholder information is continued on an additional copy of Page B-2

If multiple copies of this page are provided please indicate Page 3 of 5 pages.

DATE AFFIDAVIT IS NOTAR 11/23/07

Page B 7

APPLICATION NUMBER: _____

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

M.J. Wells & Associates, Inc.

1420 Spring Hill Road, Suite 600, McLean, VA 22102

Description of Corporation:

☒ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☐ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
M.J. Wells & Associates, Inc. Employee Stock Ownership Trust. [All employees are eligible plan participants; however, no one employee owns more than 1% of any class of stock.]	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

☒ Additional shareholder information is continued on an additional copy of Page B-2

If multiple copies of this page are provided please indicate Page 4 of 5 pages.

DATE AFFIDAVIT IS NOTAR D: 11/23/07

Page B 8

APPLICATION NUMBER: _____

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the shareholders of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all officers and directors of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
1 E. Market Street, 3rd Floor, Leesburg, Virginia 20176

Description of Corporation:

☒ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☐ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
David J. Bomgardner	E. Andrew Burcher
Thomas J. Colucci	Peter M. Dolan, Jr.
Jay du Von	Jerry K. Emrich
William A. Fogarty	John H. Foote
H. Mark Goetzman	Bryan H. Guidash
Michael D. Lubeley	J. Randall Minchew
M. Catharine Puskar	John E. Rinaldi
Lynne J. Strobel	Garth M. Wainman
Nan E. Walsh	Martin D. Walsh

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

☐ Additional shareholder information is continued on an additional copy of Page B-2

If multiple copies of this page are provided please indicate Page 5 of 5 pages.

DATE AFFIDAVIT IS NOTAR D: 11/23/07

Page B 9

APPLICATION NUMBER: _____

3. **PARTNERSHIP INFORMATION**

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address (complete name, street address, city, state, zip)

None

____ (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)

Check if applicable:

____ Additional Partnership information is included on an additional copy of page B-3.

4. One of the following options **must** be checked

____ In addition to the names listed in paragraphs B. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, and beneficiary of a trust) 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

☒ Other than the names listed in B. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, and beneficiary of a trust) 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

____ Additional information for Item B. 3. is included on an additional copy of page B-3.

APPLICATION NUMBER: _____

C. VOLUNTARY DISCLOSURE

1. That no member of the Loudoun County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (If none, so state).

2. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household and family, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent or attorney or holds 1% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of \$100 or more, singularly or in the aggregate with any of those listed in Section B, above.

EXCEPT AS FOLLOWS: (If none, so state).

3. The following constitutes a listing of names and addresses of all real parties in interest in the real estate which is the subject of this application, including the names and addresses of all persons who hold a beneficial interest in the subject property, who have, within five years of the application date, contributed, by gift or donation, more than one hundred dollars to any current member of the Board of Supervisors:

NAME (First, M.I., Last)	ADDRESS (Street, City, State, Zip Code)

___ Additional County-Official information for Item C is included on an additional page C-1.

DATE AFFIDAVIT IS NOTARIZED: 11/23/07

Page D 1

APPLICATION NUMBER: _____

D.

That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 1% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Section C. above, that arise on or after the date of this application.

WITNESS the following signature:

Roger G. Ratliff
check one: ☐ Applicant or ☒ Applicant's Authorized Agent

Roger G. Ratliff, Agent
(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 23rd day of November 2007, in the State/Commonwealth of Virginia, in the County/City of Fredricks Co.

W. H. Collins Reg # 3610738
Notary Public

My Commission Expires: 11/30/09

STATEMENT OF JUSTIFICATION

**Rezoning of one PD-IP parcel from the 1972 Zoning Ordinance to the
Revised 1993 Zoning Ordinance
Tax Map 81-B ((2)) 5A
MCPI # 031-49-1945
3.71 ± Acres
March 25, 2008**

I. Introduction

Pro-Type Industries, Inc., the applicant and owner (hereafter, the “Applicant”) of Loudoun County Tax Map 81B-((2)), parcel 5A (MCPI # 031-49-1945) which comprises approximately 3.71 acres (the “Property”) of land zoned Planned Development-Industrial Park (“PD-IP”) governed under the 1972 Loudoun County Zoning Ordinance (“1972 Zoning Ordinance”), is requesting a rezoning to PD-IP under the Revised 1993 Loudoun County Zoning Ordinance (“Revised 1993 Zoning Ordinance”). The Property is located along the southern side of Woodland Road, east of its intersection with Cascades Parkway within the Route 28 Transportation Improvement District (See Vicinity Map).

The Property is surrounded to the north, south, east and west by properties zoned PD-IP, which are comprised of various manufacturing and industrial uses. A corner of the Property’s southern boundary borders a property zoned R-16 Townhouse/Multifamily Residential (“R-16”). A townhouse/multifamily residential development is located on this property.

II. Project Summary

The Applicant is requesting this rezoning to allow for various undetermined uses, likely manufacturing and flex-industrial uses which are permitted by-right in the Revised 1993 Zoning Ordinance, to locate in an anticipated new building. The Applicant is proposing this rezoning application in accordance with policies stated in the Loudoun County Revised General Plan (“Revised General Plan”) that encourage efforts to update properties from the 1972 Zoning Ordinance to the Revised 1993 Zoning Ordinance. This application also conforms to the Loudoun County Economic Development Commission’s Strategic Plan to encourage more zoning conversions to the Revised 1993 Zoning Ordinance in the Route 28 Transportation Improvement District.

Although there are no definitive tenants identified at this time, the Applicant anticipates constructing approximately 25,000 square feet of manufacturing and flex-industrial uses. As indicated on the ZMAP Plat, the proposed square footage will not exceed the maximum allowable FAR of 0.4 (Section 4-506 (C) of the Revised 1993 Zoning Ordinance). The square footage listed on the ZMAP Plat demonstrates the maximum allowable square footage based on a 0.4 FAR. The ZMAP Plat also calculates the amount of square footage that could be constructed based on the square footage of existing buildings. The available square footage for the construction of a new building, based on a 0.4 FAR and the square footage of existing buildings, would permit the development of approximately 28,093 square feet.

III. Zoning Map Amendment Matters for Consideration

The following items are addressed in accordance with section 6-1211 (E) of the Revised 1993 Zoning Ordinance:

(1) Conformance with the General Plan

Rezoning the Property from the 1972 Zoning Ordinance to the Revised 1993 Zoning Ordinance complies with policies set forth in the Revised General Plan. The Property is located in the Suburban Policy Area and is planned for “Keynote Employment” uses. The anticipated manufacturing and flex-industrial uses comply with the policies set forth in the Revised General Plan, which identifies the need for high quality uses which complement the office and retail developments of Keynote Employment areas.

(2) Changing conditions in the area

In recent years the Dulles Town Center area of the Route 28 Transportation Improvement District has undergone a development boom that has transformed the area into a bustling retail, commercial and industrial crossroads. Developments such as Dulles Town Center, Dulles Crossroads, Cascades and Woodland Park have fueled this transformation and aided Loudoun County residents by infusing retail, employment and tax income growth into the County. The rezoning of the Property to the Revised 1993 Zoning Ordinance will aid in this transformation and continue the process of providing more opportunities for Loudoun County residents.

(3) Compatibility of proposed uses

The Property is bordered on four sides by commercial and industrial properties, which include warehousing, storage, and manufacturing uses. The manufacturing and flex-industrial uses anticipated for the Property will conform to the existing manufacturing use on the Property and will not unduly harm neighboring properties. The R-16 residential neighborhood located to the southeast of the Property was rezoned in the early nineties for medium density residential development and will not be negatively affected by the proposed rezoning based on the fact that the permitted uses of the Revised 1993 Zoning Ordinance are just as, if not more so, complimentary to a residential use as the permitted uses of the 1972 Zoning Ordinance.

(4) Adequacy of services to support proposed uses

Existing water and sewer lines are located on the Property. No residences are proposed for the Property and thus there will be no impact on the school system. For transportation impact purposes, the attached Traffic Impact Assessment utilizes standards from the ITE Trip Generation Manual, 7th Edition, based on manufacturing, retail, and flex-industrial use standards. It's anticipated that the proposed ZMAP will only increase the AM peak hour trips by 3 and the PM peak hour trips by 4, respectively, in excess of a potential by-right development.

(5) Effect of proposed uses on ground water supply

The Property contains a sliver of minor floodplain area, but this area will not be interrupted as part of the proposed rezoning application. The increase in impervious surface associated with any building or parking area will increase the amount of storm water runoff, however, any storm water that is produced from the Property will be adequately mitigated and will not affect ground water supply.

(6) Effect of proposed uses on the structural capacity of the soils

It is not anticipated that the proposed ZMAP application will negatively affect the structural capacity of the soils.

(7) Traffic impacts

For transportation impact purposes, the attached Traffic Impact Assessment utilizes standards from the ITE Trip Generation Manual, 7th Edition, based on manufacturing, retail, and flex-industrial use standards. It's anticipated that the proposed ZMAP will only increase the AM peak hour trips by 3 and the PM peak hour trips by 4, respectively, in excess of a potential by-right development. The Property directly accesses Woodland Road and will not adversely affect existing residential neighborhoods or school zones.

(8) Economic viability under the current zoning

The permitted uses in the 1972 PD-IP zoning district do not appropriately reflect the wide range of economically viable options necessary to compete as a

commercial/industrial use in 2007 and beyond. Through updated zoning districts, Loudoun County has evolved to offer a wider range of commercial and industrial options for its ever growing and diversifying population. A rezoning to the Revised 1993 Zoning Ordinance would reflect this reality and allow the Property to conform to contemporary Loudoun County zoning districts. The outdated permitted uses of the 1972 PD-IP zoning district include (Section 722.3.1 of the 1972 Zoning Ordinance):

- o Agricultural, forestry, fisheries and commercial nurseries
- o Research, experimental, testing, and development activities
- o Trans-shipment facilities
- o The manufacture, processing, fabrication, assembly, and distribution of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceuticals, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchased glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery

(9) Environmental impacts

The Property includes significant tree cover and some moderately steep slopes along its southern boundary. The anticipated 25,000 square foot building will result in

the loss of some trees, but will not affect the moderately steep slope areas. The anticipated building will result in an increase of water runoff, which will be contained through storm water management measures. Air Quality will not be adversely affected by this rezoning.

(10) Tax base enlargement, economic development and employment growth

The anticipated 25,000 square foot improvement of the Property will increase assessed values and tax revenue within the Route 28 Transportation Improvement District and assist in expediting the payment for construction of the remaining interchange enhancements along Route 28. The manufacturing and flex-industrial space will add additional jobs to the Sterling community and contribute to the increasing critical mass of employment centers in Eastern Loudoun County.

(11) Consideration of agriculture, industry and business needs

Through this proposed rezoning, which would allow for the development of Revised 1993 Zoning Ordinance PD-IP permitted uses on the Property, the Applicant will be providing additional space for industrial or commercial users to locate in a bustling area of Loudoun County. Agricultural needs are not compatible with the location of the Property due to the commercially developed surroundings and the amount of tree coverage on the Property.

(12) Consideration of land in regards to population and economic studies

According to the Economic Indicators of Loudoun County, released by the Loudoun County Department of Economic Development in November of 2007, over 145,975 square feet of flex-industrial space was constructed from October of 2006 through October of 2007. This represents a 273 percent increase in the amount of flex-industrial space constructed during the previous year. The demand for flex-industrial space continues to increase in Loudoun County. Projects such as the proposed rezoning will assist in providing additional supply for flex-industrial space in Loudoun County through an increase in available square footage.

(13) Conservation of property values and promotion of appropriate land use

Commercial and industrial developments in close proximity to the Property promote an increased demand for similar development in the area. The anticipated manufacturing and flex-industrial uses on the Property will assist in meeting the existing demand for commercial/industrial property. The proposed rezoning would not adversely affect property values and will likely increase adjacent property values once improvements are constructed on the Property.

(14) Growth trends, economic factors and public facility capacity

Future economic growth in Loudoun County depends on increasing the commercial/industrial space in which companies locate and in turn contribute to the tax base. According to U.S. Census Bureau estimates, the population in Loudoun County is expected to increase from 211,146 in 2003 to 311,785 in 2010. This 100,639-person

increase in population will strain the existing commercial/industrial space unless additional space is constructed. Additional space will allow rent for commercial/industrial space to remain moderate and will spur continued economic development in the County.

(15) Provision of moderate housing

There is no housing proposed for this project, therefore this provision is not applicable.

(16) Natural, scenic, archaeological or historic effects

With the exception of the existing tree cover, the Property contains no natural or scenic features of significant importance. It is unknown if any archaeological or historic features of significant importance exist, or have existed, on the Property.

IV. Conclusion

Rezoning the Property from the 1972 Zoning Ordinance to the Revised 1993 Zoning Ordinance will benefit the government, residents and businesses of Loudoun County. The proposed rezoning will update the County's zoning classification for the Property as encouraged in the Revised General Plan. The anticipated manufacturing and flex-industrial space will create new job and tax revenue sources that will assist in the construction of needed roads, schools, parks and other public improvements throughout Loudoun County.



**WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC**

Michael Romeo, AICP
Land Use Planner
(571) 209-5772
mromeo@ldn.thelandlawyers.com

March 25, 2008



Via Hand Delivery

Ms. Ginny Rowen, Project Manager
Loudoun County Department of Planning
1 Harrison Street, SE, Third Floor
Leesburg, VA 20177

**Re: Pro-Type Industries Zoning Map Amendment (ZMAP 2007-0010)
Referral Response Letter**

Dear Ms. Rowen:

Pro-Type Industries (hereinafter the "Applicant") provides this letter as a written response to the referral agency comments in the above referenced application. For your convenience, each of the Staff comments are stated below and the Applicant's responses follow in bold italics.

LOUDOUN COUNTY ZONING ADMINISTRATION (Cindy Lintz, Planner, 3/5/08)

The Zoning Administration has reviewed the first submission of the above referenced application and has the following comments:

1. Please include ZMAP 2007-0010 in the approval block and the title.

Applicant Response:

The ZMAP Plat has been revised accordingly.

2. In the title please include "Zoning Map Amendment" as part of the title of the plat.

Applicant Response:

The ZMAP Plat has been revised accordingly.

PHONE 703 737 3633 ■ FAX 703 737 3632 ■ WWW.THELANDLAWYERS.COM
1 E. MARKET STREET, THIRD FLOOR ■ LEESBURG, VA 20176-3014

ARLINGTON OFFICE 703 528 4700 ■ PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

Attachment U

A28

3. Under General Notes #8, the yards adjacent to Woodland Road is 35' for the building and 25' for parking per Section 4-505(B)(1). Remove the side and rear yards (from the notes and on Sheet 2). The 15' yard is not required adjacent to other PD-IP parcels.

Applicant Response:

The ZMAP Plat has been revised accordingly.

4. Under General Notes #9, the maximum building height is 45' not 35' and it is permissible to erect to maximum height of 100' as long as there is a 1' setback (not 2') for each 1' height. Please correct this note.

Applicant Response:

The ZMAP Plat has been revised accordingly.

5. Under Site Tabulation, County Records show 3.71 acres, which will be 161,607.6 s.f. not 3.83 acres. Also, County Records shows an existing building with 25,429 s.f. on the site, not 24,725 s.f. Please update the F.A.R. and the Lot Coverage tabulations.

Applicant Response:

The site area of 166,926 square feet, or 3.83 acres, is based on a boundary survey that was completed for a previously submitted site plan (STPL 1996-0016). The existing gross floor area of 38,677 square feet and the existing building footprint area of 24,725 square feet are also based on the previously submitted site plan.

6. Under Site Tabulations, please clearly delineate existing square footage and F.A.R. and the development potential. Currently ~0.16 F.A.R. has been developed.

Applicant Response:

The existing floor area/square footage, maximum F.A.R., and maximum development potential are now clearly delineated on the ZMAP Plat.

7. On Sheet 2, show how access to the undeveloped portion of the parcel will be achieved.

Applicant Response:

The ZMAP Plat has been revised to show how access to the undeveloped portion of the parcel will be achieved.

8. On Sheet 2, label the undeveloped portion of the site as "Future Development Area."

Applicant Response:

The ZMAP Plat has been revised accordingly.

9. In the Statement of Justification page 2, please remove from the first line, "also referred to as a Zoning Conversion ("ZCON")." The County no longer processes ZCONs.

Applicant Response:

The Statement of Justification has been revised accordingly.

10. In the Statement of Justification page 2, the last sentence the square footage is 39,214 not 28,093. There is a miscalculation on the plat.

Applicant Response:

Based on the response to comment #5, the maximum future floor area of 28,903 is correct.

LOUDOUN COUNTY DEPARTMENT OF PLANNING – COMMUNITY PLANNING
(Sarah Milin, Planner, 2/26/08)

BACKGROUND

Pro-Type Industries, Inc. has submitted an application to convert approximately 3.71 acres of land zoned Planned Development – Industrial Park (PD-IP) from the 1972 Zoning Ordinance to the Revised 1993 Loudoun County Zoning Ordinance. The Applicant anticipates constructing an additional 25,000 sq ft of manufacturing and flex-industrial uses to accompany the two existing structures on the property. According to the Statement of Justification, the permitted uses in the 1972 PD-IP zoning district do not appropriately reflect the wide range of economically viable options necessary to compete as a commercial/industrial use today and in the future. The property is within

the Route 28 Highway Improvement Transportation District ('Route 28 Tax District') and is located on the south side of Woodland Road, approximately 0.1 miles west of Cascades Parkway. The property is predominantly surrounded by other industrial and business uses.

COMPREHENSIVE PLAN ANALYSIS

The site is governed by the policies of the Revised General Plan. It is located within the Sterling Community in the Suburban Policy Area and is designated for Keynote Employment development (Revised General Plan, Planned Land Use Map, p. 7-23). Appropriate uses in Keynote areas would include large-scale office parks, research and development parks, and similar uses of high visual quality that are supported by ancillary retail and personal services (Revised General Plan, text, p. 6-27).

The Revised General Plan provides policy direction encouraging property owners within the Tax District to convert from the 1972 Zoning Ordinance to the Revised 1993 Loudoun County Zoning Ordinance in order to provide consistent development patterns within the District. The Plan states: "The County will look at incentives to encourage Route 28 Tax District Landowners to opt into the revised Zoning Ordinance" (Revised General Plan, Policy 14, p. 4-10). As such, the proposed conversion to the most current Zoning Ordinance is appropriate.

Staff notes that the existing PD-IP zoning on the property is not proposed to change. Although this zoning district, established for light and medium intensity industrial uses, would generally not be anticipated in Keynote Employment areas, Woodland Road remains a predominantly industrial area containing numerous auto repair, contractor service establishments, and other industrial uses located in smaller flex-warehouse buildings. As such, a PD-IP zoning could be compatible on an interim basis with the other industrial uses that are located in the surrounding area today. Furthermore, office is a permitted use in the PD-IP zoning district.

Staff recommends approval of the zoning conversion.

Applicant Response:

The Applicant concurs with this assessment.

Please feel free to contact me if you have any questions or comments concerning this referral response.

Sincerely,

WALSH, COLUCCI, LUBELEY, EMRICH
& WALSH, P.C.

A handwritten signature in black ink, appearing to read "Michael Romeo", with a long horizontal flourish extending to the right.

Michael Romeo, AICP
Land Use Planner

cc: Joe Webb, Barnes and Johnson
John Ratliff, Pro-Type Industries
Roger Ratliff, Pro-Type Industries

Pro-Type Industries, Inc.

ZMAP 2007-0010

PROFFER STATEMENT

May 14, 2008

Pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, Pro-Type Industries, Inc., the applicant and owner of approximately 3.83 acres of real property described as Loudoun County Tax Map 81-B2, Parcel 5A (MCPI #031-49-1945) (the "Property"), which is subject to rezoning application ZMAP 2007-0010, hereby voluntarily proffers that development of the Property shall be in substantial conformity with the proffers set forth below and the Zoning Map Amendment Plat entitled 'Pro-type Industries Inc.' and comprising of 2 sheets, prepared by Barnes & Johnson, Inc., dated September 19, 2007, as revised through May 14, 2008. All proffers made herein are contingent upon the approval by the Board of Supervisors of the change in zoning district from Planned Development – Industrial Park zoning district ("PD-IP") as governed under the 1972 Zoning Ordinance to the PD-IP zoning district as governed under the Revised 1993 Zoning Ordinance as requested in rezoning application ZMAP 2007-0010.

I. Zoning Map Amendment Plat

The Property shall be developed in substantial conformity with the Zoning Map Amendment Plat prepared by Barnes & Johnson, Inc., dated September 19, 2007, as revised through May 14, 2008, attached hereto and incorporated herein.

II. Binding Effects

The undersigned hereby warrants that all of the owners of a legal interest in the Property have signed this Proffer Statement, that they have full authority to bind the Property to these conditions, and that this Proffer Statement is entered into voluntarily.

Pro-Type Industries, Inc.

By: _____ (SEAL)

Name: _____

Title: _____

Date: _____

STATE OF VIRGINIA

COUNTY OF _____, to-wit:

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that _____, whose name is signed to the foregoing instrument, has acknowledged the same before me on behalf of the owner.

Subscribed and sworn to before me this _____ day of _____ 2008.

My Commission Expires:

Notary Public